

1173 Pittsford-Victor Rd, Suite 110  
Pittsford, NY 14534  
877-897-2962  
www.Callfinity.com



February 22, 2010

Office of the Secretary  
Federal Communications Commission  
445 12th Street, SW  
Suite TW-A325  
Washington, DC 20554

Attached please find Callfinity's Annual Customer Proprietary Network Information Certification for 2009.

Best Regards,

A handwritten signature in black ink, appearing to read "J. P. Adams", with a long horizontal flourish extending to the right.

John P. Adams  
Vice President of Operations

xc:  
Federal Communications Commission  
Enforcement Bureau  
Telecommunications Consumers Division  
445 12th Street, SW  
Washington, DC 20554

Best Copy and Printing, Inc.  
via e-mail FCC@BCPIWEB.COM

**Annual Customer Proprietary Network Information Certification**  
**Pursuant to 47 C.F.R. § 64.2009(e)**  
**EB Docket No. 06-36**  
February 22, 2010

Annual Section 64.2009(e) Certification for 2008

Name of Company: Callfinity, Inc.

Form 499 Filer ID: 827578

Name of Signatory: Jeffrey M. Valentine

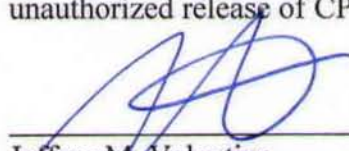
Title of Signatory: President and CEO

I, Jeffrey M. Valentine, certify that I am an officer of Callfinity, Inc., and acting as an agent of Callfinity, that I have personal knowledge that Callfinity has established operating procedures that are adequate to ensure compliance with the Commission's CPNI rules.

Attached to this certification is an accompanying statement explaining how Callfinity's procedures ensure the company is in compliance with the requirements set forth in sections 64.2001 *et seq.* of the Commission's rules.

Callfinity has not taken any actions (instituted proceedings or filed petitions at either state commissions, courts, or at the FCC) against data brokers in the past year. Callfinity has no information outside of Commission Docket No. 96-115, or that is not otherwise publicly available (*e.g.*, through news media), regarding the processes pretexters are using to attempt to access CPNI. The steps Callfinity has taken to protect CPNI include updating its CPNI practices and procedures and conducting new training designed to ensure compliance with the FCC's modified CPNI rules.

Callfinity has not received any customer complaints in the past year concerning the unauthorized release of CPNI.



---

Jeffrey M. Valentine  
President and CEO  
Callfinity, Inc.

Date: February 22, 2010



## **Customer Proprietary Network Information Certification Attachment A**

Callfinity has established practices and procedures adequate to ensure compliance with Section 222 of the Communications Act of 1934, as amended, and the Federal Communications Commission's ("FCC") rules pertaining to customer proprietary network information ("CPNI") set forth in sections 64.2001 – 64.2011 of the Commission's rules. This attachment summarizes those practices and procedures, which have been updated so that they are adequate to ensure compliance with the Commission's CPNI rules, as modified by the Commission in 2007.

### **Safeguarding against pretexting**

- Callfinity takes reasonable measures to discover and protect against attempts to gain unauthorized access to CPNI, including the authentication of customers prior to disclosing CPNI based on customer-initiated contacts. Callfinity is committed to notify the FCC of any novel or new methods of pretexting it discovers and of any actions it takes against pretexters and data brokers.

### **Training and discipline**

- Callfinity trains its supervisory and non-supervisory personnel in an effort to ensure that its employees, in accordance with FCC regulations: (a) understand what CPNI is, (b) join in and carry-out Callfinity's obligation to protect CPNI, (c) understand when they are and when they are not authorized to use or disclose CPNI, (d) obtain customers' informed consent as required with respect to its use for marketing purposes, and (e) keep records regarding receipt of such consent, customer complaints regarding CPNI and the use of CPNI for marketing campaigns.
- Callfinity employees are required to review Callfinity's CPNI practices and procedures set forth in the Callfinity Employee Handbook and to acknowledge their comprehension thereof.
- Callfinity has an express disciplinary process in place for violation of the Company's CPNI practices and procedures. The careless or intentional failure to comply with these practices and procedures may result in disciplinary action, up to and including discharge.

### **Callfinity's use of CPNI**

- Callfinity may use CPNI for the following purposes:
  - To initiate, render, maintain, repair, bill and collect for services;
  - To protect its property rights; or to protect its subscribers or other carriers from fraudulent, abusive, or the unlawful use of, or subscription to, such services;
  - To provide inbound telemarketing, referral or administrative services to the customer during a customer initiated call and with the customer's informed consent.
  - To market additional services to customers that are within the same categories of service to which the customer already subscribes;
  - To market services formerly known as adjunct-to-basic services; and
  - To market additional services to customers *with the receipt of informed consent via the use of opt-in or out-out, as applicable.*
- Callfinity does not disclose or permit access to CPNI to track customers that call competing service providers.



- Callfinity discloses and permits access to CPNI where required by law (e.g., under a lawfully issued subpoena).

#### **Customer approval and informed consent**

- Callfinity does not currently use CPNI for any purpose that requires informed consent, and has not to this point implemented a system to obtain approval and informed consent from its customers prior to the use of CPNI for marketing purposes.
- In the event that Callfinity changes its policy and decides to use CPNI for purposes requiring informed consent, it will implement a system to obtain approval and informed consent from its customers prior to the use of CPNI for marketing purposes. This system will allow for the status of a customer's CPNI approval to be clearly established prior to the use of CPNI.
  - Prior to any solicitation for customer approval, Callfinity will notify customers of their right to restrict the use of, disclosure of, and access to their CPNI.
  - Callfinity will use opt-in approval when using or disclosing CPNI for purposes other than permitted under opt-out approval or in 47 USC 222 and the FCC's CPNI rules.
  - A customer's approval or disapproval will remain in effect until the customer revokes or limits such approval or disapproval.
  - Records of approvals will be maintained for at least one year.
  - Callfinity will provide individual notice to customers when soliciting approval to use, disclose, or permit access to CPNI.
  - The content of Callfinity's CPNI notices will comply with FCC rule 64.2008(c).

#### **Opt-out**

- Callfinity will use opt-out for the marketing of communications related services by its employees outside the category of service to which the customer subscribes and for affiliate marketing of any communications related services. When Callfinity uses opt-out approval, the Company will provide notification by electronic or written methods and wait at least 30 days after giving customers notice and an opportunity to opt-out before assuming customer approval to use, disclose, or permit access to CPNI. Callfinity will provide customers with opt-out notifications every two years. When using e-mail for opt-out notices, Callfinity will comply with the additional requirements set forth in FCC rule 64.2008(d)(3). Additionally, Callfinity will make available to every customer an opt-out method, at no additional charge, that is available 24 hours a day, seven days a week.

#### **Opt-in**

- Callfinity will use opt-in approval for marketing by independent contractors and joint venture partners and for then marketing of non-communications related services by itself and its affiliates. When Callfinity uses opt-in approval, the Company will provide notification consistent with FCC rule 64.2008(c).

#### **One time use**

- After authentication, Callfinity will use oral notice to obtain limited, one-time approval for use of CPNI for the duration of a call. The contents of such notice comports with FCC rule 64.2008(f).

#### **Additional safeguards**



- Callfinity maintains for at least one year records of all marketing campaigns that use its customers' CPNI, including a description of each campaign and the CPNI used, the products offered as part of the campaign, and instances where CPNI was disclosed to third parties or where third parties were allowed access to CPNI. Such campaigns are subject to a supervisory approval and compliance review process, the records of which also are maintained for a minimum of one year.
- Callfinity has established a supervisory review process designed to ensure compliance with the FCC's CPNI rules for outbound marketing situations and maintenance of records.
- Callfinity designates one or more officers, as an agent or agents of the Callfinity, to sign and file a CPNI compliance certificate on an annual basis. The certificate conforms to the requirements set forth in FCC rule 64.2009(e).
- Callfinity will provide written notice to the Commission in accordance with the requirements of FCC rule 64.2009(f) if ever its opt-out mechanisms malfunction in the manner described therein.
- For customer-initiated telephone inquiries regarding or requiring access to CPNI, Callfinity authenticates the customer (or its authorized representative), through a pre-established password, without prompting through the use of readily available biographical or account information. If the customer cannot provide a password, then Callfinity only discloses call detail information by sending it to the customer's address of record, or by calling the customer at the telephone number of record.
- For online customer access to CPNI, Callfinity authenticates the customer (or its authorized representative) without the use of readily available biographical or account information. After the customer has been authenticated, Callfinity utilizes a customer-established password to authorize account access. Callfinity establishes passwords and has employed back-up authentication for lost or forgotten passwords consistent with the requirements of FCC rule 64.2010(e).
- Callfinity does not have any retail locations, so there is no opportunity for disclosure of CPNI in such locations.
- Callfinity notifies customers immediately of any account changes, including address of record, authentication, online account and password related changes.
- Callfinity may negotiate alternative authentication procedures for services that Callfinity provides to business customers that have both a dedicated account representative and a contract that specifically addresses Callfinity's protection of CPNI.
- In the event of a breach of CPNI, Callfinity will notify law enforcement as soon as practicable and no later than seven (7) business days from discovering the breach. Customers will be notified after the seven (7) day period, unless the relevant investigatory party directs Callfinity to delay notification, or Callfinity and the investigatory party agree to an earlier notification. Callfinity will maintain a record of all CPNI security breaches, including a description of the breach and the CPNI involved, along with notifications sent to law enforcement and affected customers.